REGULATION No. VI OF 1913.

THE MYSORE MUZRAI REGULATION.

(Received the assent of His Highness the Maharaja on the 11th day of October 1913.)

Preamble.

Whereas it is expedient to consolidate and amend the law relating to Muzrai Institutions in Mysore and to provide for certain remedies in respect of religious and charitable endowments; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

Preliminary.

Short title and extent.

1. (1) This Regulation shall be called the Mysore Muzrai Regulation, 1913; and shall come into force from 1st January 1914.

(2) It extends to the whole of Mysore.

Definitions.

2. (1) 'Muzrai Institution' shall mean and include—

(i) every temple, mosque, or other place of worship or religious service, any *Chatra* or house of feeding or rest for travellers without charge, or other institution of a religious or charitable nature, which is now actually in the sole charge of Government, or for the support of which any annual grant in perpetuity is made from the public revenues, or an inam has been granted and is recognized and registered at the inam settlement as a *devadaya* or dharmadaya grant;

(ii) every institution of a religious or charitable nature which, under the provisions of this Regulation, has been taken under the sole management of Government, so long as it remains under such management.

(2) 'Muzrai Officer' shall mean the Deputy Commissioner of the District in which the whole or any part of the property of a religious or charitable institution shall be situated; and an Assistant Commissioner to whom the power of disposing of any question or class of questions connected with such institutions shall have been delegated in writing by the Deputy Commissioner.

CHAPTER II.

Provisions relating to Religious and Charitable Institutions.

Management of a religious or charitable institution by Government.

3. Government may undertake the management of a religious or charitable trust, (1) at the option of the creator of the trust, provided he has reserved no interest of a residuary or beneficial nature for himself; (2) when the trustees provided by the instrument of trust or actually in charge of the institution all expire or disclaim; (3) when the trustees, or surviving trustees, or the person or all the persons in actual possession and management of the institution voluntarily transfer the management; or (4) when the sole beneficiary or all the surviving beneficiaries voluntarily agree to transfer possession and management.

Reference by the Muzrai Officer to District Judge in cases of dispute.

4. Whenever a dispute arises whether any charitable or religious trust has been actually constituted in respect of any institution, endowment or property, the Muzrai Officer may make a reference to the Court of the District Judge in whose jurisdiction the greater part of the institution or property is situated.

Disposal of the reference.

5. The letter of reference shall be registered and disposed of as a suit between the Muzrai Officer as plaintiff and the parties in possession of the property or opposing the contention of the Muzrai Officer as defendants.

Authorisation of persons to file a suit under Section 92 of the C. P. C.

6. Instead of making the reference, the Muzrai Officer may authorise any one or more persons to file a suit under the provisions of Section 92 of the Code of Civil Procedure.

Award and apportionment of costs.

7. In disposing of references and suits under the foregoing sections, the Court shall have full power to apportion and award costs either against the parties or against the estate in dispute: Provided that no Court fees shall be charged in respect of proceedings following on a reference under Section 4.

Enquiry regarding mismanagement of the property of a religious or charitable institution.

8. When it is brought to the notice of the Muzrai Officer that any religious or charitable institution dedicated for the benefit of the public or a defined section of the public or any property pertaining thereto is being grossly and persistently mismanaged, he may institute an enquiry into the truth of the allegations against the persons in possession and management of the property or the institution.

Order by Muzrai Officer in such cases.

9. If it is proved that there has been gross and persistent mismanagement of the institution or of any property pertaining thereto, or any misapplication or misappropriation of any part of the property, or any breach of trust in respect thereof; the Muzrai Officer may order—

(1) that the institution may be taken under the management of Government;

(2) that the property which has been mismanaged or misappropriated may be delivered back either to the institution or to the possession of Government for the institution;

(3) that security may be given for the proper performance of the trust or management of the property;

(4) may frame a scheme for the proper management of the institution or management of its property and the application thereof; and

(5) pass such other ancillary or necessary orders as the case may require in accordance with justice and equity.

Procedure in cases of wrongful alienation of property belonging to a religious or charitable institution.

10. Where property belonging to a religious or charitable institution has been wrongfully alienated by way of sale, barter, mortgage, lease or otherwise within three years before the date of issuing a notice under this section, the Muzrai Officer may, after giving notice to the alienee and holding a summary enquiry in accordance with the provisions of the Mysore Land Revenue Code, direct that possession be restored to the institution or that Government assume possession thereof on behalf of the institution.

Failure of the object of trust.

11. Where the whole or part of the objects of a religious or charitable trust has failed, the Muzrai Officer may, subject to such general rules or special orders as Government may have issued, after notification in the official Gazette and hearing such parties as may appear in an enquiry, pass an order directing that the property or the proceeds thereof in respect of which the object has failed, may be utilized for some object of a similar nature, and may frame a scheme for administration thereof.

Suit by a person aggrieved by an order passed under Sections 9, 10 and 11.

12. Any person against whom an order has been passed under Sections 9 and 10 directing dispossession or recovery of possession of property or any person who is aggrieved by an order of the Muzrai Officer passed under Section 11 may, within six months from the date of such order, file a

suit in the Court of the District Judge in whose jurisdiction the greater part of the property is situate, for cancellation of such order, making the Muzrai Officer one of the defendants.

If no such suit has been filed or if it has been dismissed by the Court, the Muzrai Officer may, after the lapse of six months from the date of his original order, execute his order and may exercise for that purpose all the powers of a Civil Court in executing decrees;

Provided that in cases in which the property to be disposed of under Section 11 exceeds rupees three thousand in value or the annual income thereof is more than rupees three hundred in value, the sanction of Government shall have been obtained for the order.

Power to make rules for the maintenance of accounts, etc., by persons in charge of religious or charitable institutions.

13. Government shall have power to make rules directing that persons in charge of religious or charitable institutions shall—

(*a*) keep regular accounts of income and expenditure,

(*b*) submit such returns and supply such information as may be necessary,

(*c*) allow such inspection and verification as may be necessary:

And may, by said rules, prescribe a penalty not exceeding one hundred rupees for any infraction thereof.

Wrongful alienation of inams granted for the upkeep of religious or charitable institutions.

14. Where any inam granted by Government for the upkeep of any religious or charitable institution is wrongfully alienated or has passed to the possession of a third party in any manner, and the proceeds thereof have been diverted from the purpose for which it had been granted, the Muzrai Officer may, after enquiry, direct that the property may be resumed and retransferred to the institution for whose benefit the inam was intended, or may cancel the inam tenure and impose the full assessment due to Government under the provisions of the Land Revenue Code or cancel the tenure and direct the assessment recovered to be handed over for the benefit of the original institution;

Provided that no person who has had adverse possession of a property for a period of 12 years shall be deprived of such possession.

Appointment of *Dharmadarsis*.

15. Government may appoint *Dharmadarsis* to manage the affairs of religious or charitable institutions for such term and with such powers as may be prescribed and may frame rules for the conduct of business among them.

Investment of *Dharmadarsis* with the powers of a corporate person.

16. Government may invest *Dharmadarsis* with the powers, functions and responsibilities of a corporate person, including power to hold and dispose of property and to sue and be sued.

Appointment of Committees with powers of management.

17. Government may also appoint a Committee of persons chosen by election or otherwise with such powers of management and supervision as may be prescribed by rules, over one or more religious or charitable institutions.

Investment of trust money.

18. It shall be lawful for any trustee or person or persons having the management or control of any religious or charitable institution to invest money belonging to the institution and not required for immediate use on any of the following securities, and on no others, *viz.*:—

(*a*) In promissory Notes, debentures, stock or other securities of the Government of India or Mysore;

(*b*) In stock or debentures of, or shares or as deposits in, Railway or other Companies approved by Government;

(*c*) On a first mortgage of immovable property situate in Mysore; provided that the property is not a lease-hold for a term of years and that the value of the property exceeds by one-half, or if it consists of buildings

(*d*) On any other security expressly authorised by the Instrument of Trust or approved by Government.

Recovery of arrears of rent or revenue due to a Muzrai institution.

19. Arrears of rent or revenue due from tenants in respect of property belonging to a Muzrai institution may be recovered by the officers empowered to recover revenue due to Government in the same manner as arrears of land revenue due to Government.

Procedure when property is situated in more districts than one.

20. When the property of any religious or charitable institution is situated in more districts than one, the Deputy Commissioner in whose district the institution itself is situated, or with his consent, any other Deputy Commissioner in whose district any part of the property is situated, may exercise all the powers conferred by this Regulation as regards the whole of the property; provided that, in cases of doubt or difference, Government may direct any one of the Deputy Commissioners having jurisdiction to take cognizance of the whole matter.

Appeals from orders of a Muzrai Officer.

21. Every order passed under this Regulation which is not liable to be set aside by a suit filed under any of the provisions of this Regulation shall be subject to an appeal to Government—where the order has been passed by a Deputy Commissioner—and to the Deputy Commissioner—where it has been passed by an Assistant Commissioner—in the same manner and subject to the same limitations as appeals under the Land Revenue Code.

Revision.

22. Every order passed by a Muzrai Officer either in an original case or on appeal shall be subject to revision by Government.

Saving of suits under Section 92 of the Civil Procedure Code.

23. Any order passed under this Regulation or the rules framed thereunder by a Muzrai Officer or by Government shall not bar a suit under the provisions of Section 92 of the Code of Civil Procedure.

CHAPTER III.

Provisions relating to Mathas or similar institutions.

Exemption of *Mathas* from the operation of the foregoing provisions.

24. The foregoing provisions shall not apply to *Mathas* or other institutions of a similar nature or the property belonging to them which are in the possession of *Mathadhipathis* or other persons entitled by law or general or particular usage to exercise powers of management or ownership.

When management of *Mathas* may be assumed by Government.

25. Government may take over the management and possession of the property of any *Matha* or other institution of a similar nature (1) when the *Mathadhipathi* or other head of the institution voluntarily applies for such help and places the institution or its property under the management of Government; (2) when he is dead or has left the country and has not been heard of for more than seven years, and has not made legal and satisfactory arrangement for the carrying on of the ordinary business of the institution, and there is no successor duly appointed according to the rules applicable to succession to the office; (3) when he is a minor without a legally appointed guardian, fit and willing to act as such or is by reason of physical or mental infirmity unable to manage the affairs of the *Matha* or other institution.

Enquiry into allegations of mismanagement of a *Matha* or

26. Whenever a complaint is made by at least half the number of house-holders, or in cases in which the *Matha* or other institution has a large following, by at least a hundred house-holders, subject to its jurisdiction as dis-

institution has been grossly mismanaging the property or alienating the bulk of it for enriching his bodily relations or for other improper purposes, Government may order an enquiry.

Authority before whom the enquiry is to be held.

27. Such enquiry shall be before a Committee of not less than three members appointed by Government in each case.

Execution of orders passed.

28. When the decision of the Committee has been approved by Government, Government may pass such orders as may be deemed fit concerning the management of the affairs and property of the institution.

Appointment of *Mathadhipathi* by Government.

29. Where any *Matha* or other similar institution has come under the management of Government under clause (2) of Section 25, Government may take such steps as are necessary to fulfil the indispensable functions of the institution till a proper *Mathadhipathi* is nominated in accordance with law or usage.

Powers of Government in regard to management of a *Matha*.

30. When property of a *Matha* or other similar institution has for any reason come into the possession of Government under the provisions of this Regulation, Government may exercise all the powers of management and disposal possessed by a duly appointed *Mathadhipathi* or other head of the institution in possession; and may make and carry out a scheme either directly by Officers appointed or by a Committee constituted for the purpose.

Disposal of income of institution.

31. Government shall also have full power to dispose of the income of the institution as long as it is under its management (after making due provision for the maintenance of the *Mathadhipathi* or other head of the institution, for carrying on services in temples and other places of worship appertaining to the institution in a reasonable manner) on objects of charity or for the spread and encouragement of religious instruction according to the tenets of the said institution.

CHAPTER IV.

Pujaris and other hereditary temple servants.

Enquiry into the claims to the office of a *Pujari* or other servant of a Muzrai institution.

32. When there is a dispute about the office of a *Pujari* or other servant of a Muzrai institution which by law or usage descends by hereditary right, the Amildar of the Taluk in which the institution is situated shall hold an enquiry in the presence of the parties interested and record statements and evidence relevant to the case.

Decision by Deputy Commissioner or Assistant Commissioner.

33. The Muzrai Officer shall, after reading the record of enquiry by the Amildar and hearing the parties interested, and after making such further enquiry as he thinks necessary, pass a decision on the merits of the case.

No temple office or service in a Muzrai institution to be hereditary; except under certain circumstances.

34. In the absence of proof to the contrary, no office or service in a Muzrai institution shall be deemed to descend by hereditary right unless it has been conferred originally with such an express stipulation in writing by a person with due authority or has been held successively by three generations of the same family in succession in due legal course.

Appointment of a *Pujari* or other officer in a Muzrai institution.

35. Where there is no claimant entitled to succeed to the office of a *Pujari* or other office in a temple or other place of worship, the appointment shall be made by the Muzrai Officer in cases of institutions under the direct management of the Muzrai Department, or in cases of other institutions dedicated to the public or a section of the public by the devotees of the institution living in its vicinity under such rules as may from time to time be made by Government.

Removal of a *Pujari* at the instance of *Bhaktas*.

36. Where a majority of not less than three-fourths of the inhabitants of a village or other unit being devotees of a temple object to the employment as *Pujari* of a person claiming by hereditary right, such person shall be set aside provided that the objectors pay to the claimant such amount by way of compensation as may be fixed by the Muzrai Officer.

CHAPTER V.

Miscellaneous.

Mode of enquiry referred to in Sections 8, 11, 14 and 27.

37. The enquiry referred to in Sections 8, 11, 14 and 27 shall be conducted in the manner prescribed for a formal enquiry under the Mysore Land Revenue Code, after issue of notices to the parties interested and the Muzrai Officer or other person or persons holding the enquiry shall have all the powers of a revenue officer empowered to conduct such formal enquiry.

Bar of jurisdiction of Civil Courts in cases falling under the Regulation.

38. In all matters in which a Muzrai Officer or Government has power to pass any order or to take any action, Civil Courts shall exercise jurisdiction only to the extent allowed by this Regulation.

M. VISVESVARAYA,
Dewan.